

CP:SLT

F.# 2007R00229/OCDETF # NY-NYE-0534

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

RICARDO MARIAN FANCHINI,
also known as "Richard
Rotmann," "Richard Fanchini,"
"Riccardo Rotmann," "Riccardo
Fanchini," "Riccardo Kozina,"
"Richard Kozina," "Riccardo
Wojoiechowska," "Jerzy Bank,"
"Jeazy Bank," "Ioannis
Skandalis-Themistoklis,"
"Kozina Ryszaro," "Michael
Prokupecz," "Aksamity,"
"Yura," "Warhol," "Rysiek,"
"Richard Ryjwinski," "Bank,"
"the Polack," "the Gypsy"
and "Vasja,"

NIKOLAI DOZORTSEV,
also known as "Nicky" and
"Kolja," and
ARTHUR DOZORTSEV,

Defendants.

- - - - -X

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 07-736 (S-3) (CPS)
(T. 21, U.S.C., §§
841(a)(1),
841(b)(1)(A)(ii)(II),
841(b)(1)(C), 841(b)(1)(D)
846, 848(a), 848(c), 853,
952(a), 959(a), 959(c),
960(a)(1), 960(a)(3),
960(b)(1)(B)(ii),
960(b)(3) and 963; T. 18,
U.S.C., §§ 2, 922(g)(1),
924(a)(2), 924(d), 982,
1347, 1956(h) and 3551 et
seq.; T. 28, U.S.C., §
2461(c))

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 14 2008 ★

BROOKLYN OFFICE

THE GRAND JURY CHARGES:

COUNT ONE
(Continuing Criminal Enterprise)

1. In or about and between January 1997 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy

Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," did knowingly and intentionally engage in a continuing criminal enterprise, in that he committed violations of Title 21, United States Code, Sections 841(a), 846, 952(a), 959 and 963, including violations one through fourteen set forth below, which violations were part of a continuing series of violations of those statutes undertaken by the defendant RICARDO MARIAN FANCHINI, in concert with five or more other persons, with respect to whom the defendant RICARDO MARIAN FANCHINI occupied a position of organizer, supervisor and manager, and from which continuing series of violations the defendant RICARDO MARIAN FANCHINI obtained substantial income and resources. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), includes the following violations set forth below:

Violation One
(Conspiracy to Import Cocaine and MDMA)

2. In or about and between January 1997 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally conspire to import one or more controlled substances into the United States from a place outside thereof,

which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance; and (b) a substance containing MDMA, a Schedule I controlled substance, all in violation of Title 21, United States Code, Sections 952(a) and 963.

Violation Two
(International Distribution Conspiracy)

3. In or about and between January 1997 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally conspire to distribute one or more controlled substances, intending and knowing that such substances would be imported into the United States from a place outside thereof, which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, and (b) a substance containing MDMA, a Schedule I controlled substance, all in violation of Title 21, United States Code, Sections 959(a) and 963.

Violation Three
(Conspiracy to Distribute Cocaine and MDMA)

4. In or about and between January 1997 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and

intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, and (b) a substance containing MDMA, a Schedule I controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Violation Four
(Attempted Cocaine Possession)

5. In or about and between January 1997 and March 1997, both dates being approximate and inclusive, within the Southern District of Florida and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846, and Title 18, United States Code, Section 2.

Violation Five
(Attempted Cocaine Possession)

6. In or about and between November 1997 and December 1997, both dates being approximate and inclusive, within the Southern District of Florida and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and

intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846, and Title 18, United States Code, Section 2.

Violation Six
(Attempted Possession of Approximately
4,000 Kilograms of Cocaine)

7. In or about and between January 2001 and April 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846, and Title 18, United States Code, Section 2.

Violation Seven
(International Distribution of Approximately
398 Kilograms of MDMA)

8. In or about and between January 2001 and April 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and

intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved a substance containing MDMA, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 959(a), 960(a)(1) and 960(b)(1)(C), and Title 18, United States Code, Section 2.

Violation Eight

(International Distribution of Approximately
26 Kilograms of MDMA)

9. In or about and between January 2001 and April 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved a substance containing MDMA, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 959(a), 960(a)(1) and 960(b)(1)(C), and Title 18, United States Code, Section 2.

Violation Nine

(Attempted Possession of Approximately
300 Kilograms of Cocaine)

10. In or about April 2002, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN

FANCHINI, together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846, and Title 18, United States Code, Section 2.

Violation Ten
(Importation of Approximately
277 Kilograms of Cocaine)

11. In or about and between January 2004 and January 2005, both dates being approximate and inclusive, within the District of South Carolina and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Eleven
(International Distribution of Approximately
277 Kilograms of Cocaine)

12. In or about and between January 2004 and January 2005, both dates being approximate and inclusive, within the the District of South Carolina and elsewhere, the defendant RICARDO

MARIAN FANCHINI, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 959(a), 960(a)(1) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Twelve
(Importation of Approximately
140 Kilograms of Cocaine)

13. In or about and between January 2004 and January 2005, both dates being approximate and inclusive, within the District of South Carolina and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Thirteen
(International Distribution of Approximately
140 Kilograms of Cocaine)

14. In or about and between January 2004 and January 2005, both dates being approximate and inclusive, within the

District of South Carolina and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 959(a), 960(a)(1) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Fourteen
(Attempted Possession of Approximately
100 Kilograms of Cocaine)

15. In or about and between January 2005 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a), 841(b)(1)(A)(ii)(II) and 846, and Title 18, United States Code, Section 2.

(Title 21, United States Code, Sections 848(a) and 848(c); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Conspiracy to Import Cocaine and MDMA)

16. In or about and between January 1997 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," and NIKOLAI DOZORTSEV, also known as "Nicky" and "Kolja," together with others, did knowingly and intentionally conspire to import one or more controlled substances into the United States from a place outside thereof, which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, and (b) a substance containing MDMA, a Schedule I controlled substance, all in violation of Title 21, United States Code, Section 952(a).

(Title 21, United States Code, Sections 963, 960(a)(1), 960(b)(1)(B)(ii) and 960(b)(3); Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE

(International Distribution Conspiracy)

17. In or about and between January 1997 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," and NIKOLAI DOZORTSEV, also known as "Nicky" and "Kolja," together with others, did knowingly and intentionally conspire to distribute one or more controlled substances, intending and knowing that such substances would be imported into the United States from a place outside thereof, which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, and (b) a substance containing MDMA, a Schedule I controlled substance, all in violation of Title 21, United States Code, Section 959(a).

(Title 21, United States Code, Sections 959(c), 960(a)(3), 960(b)(1)(B)(ii), 960(b)(3) and 963; Title 18, United States Code, Sections 3551 et seq.)

COUNT FOUR

(Conspiracy to Distribute Cocaine and MDMA)

18. In or about and between January 1997 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," and NIKOLAI DOZORTSEV, also known as "Nicky" and "Kolja," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, and (b) a substance containing MDMA, a Schedule I controlled substance, all in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(ii)(II) and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIVE

(Attempted Cocaine Possession)

19. In or about and between January 1997 and March 1997, both dates being approximate and inclusive, within the Southern District of Florida and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SIX

(Attempted Cocaine Possession)

20. In or about and between November 1997 and December 1997, both dates being approximate and inclusive, within the Southern District of Florida and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard

Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SEVEN

(Attempted Possession of Approximately
4,000 Kilograms of Cocaine)

21. In or about and between January 2001 and April 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy"

and "Vasja," together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT EIGHT

(International Distribution of Approximately
398 Kilograms of MDMA)

22. In or about and between January 2001 and April 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense

involved a substance containing MDMA, a Schedule I controlled substance.

(Title 21, United States Code, Sections 959(a) 960(a)(3) and 960(b)(3); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT NINE

(International Distribution of Approximately
26 Kilograms of MDMA)

23. In or about and between January 2001 and April 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense

involved a substance containing MDMA, a Schedule I controlled substance.

(Title 21, United States Code, Sections 959(a), 960(a)(3) and 960(b)(3); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT TEN

(Attempted Possession of Approximately
300 Kilograms of Cocaine)

24. In or about April 2002, within the Eastern District of New York and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojciechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT ELEVEN
(Importation of Approximately
277 Kilograms of Cocaine)

25. In or about and between January 2004 and January 2005, both dates being approximate and inclusive, within the District of South Carolina and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT TWELVE
(International Distribution of Approximately
277 Kilograms of Cocaine)

26. In or about and between January 2004 and January 2005, both dates being approximate and inclusive, within the District of South Carolina and elsewhere, the defendant RICARDO

MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THIRTEEN
(Importation of Approximately
140 Kilograms of Cocaine)

27. In or about and between January 2004 and January 2005, both dates being approximate and inclusive, within the District of South Carolina and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina

Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOURTEEN

(International Distribution of Approximately
140 Kilograms of Cocaine)

28. In or about and between January 2004 and January 2005, both dates being approximate and inclusive, within the District of South Carolina and elsewhere, the defendant RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojciechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the

United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIFTEEN

(Attempted Possession of Approximately
100 Kilograms of Cocaine)

29. In or about and between January 2005 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska," "Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," and NIKOLAI DOZORTSEV, also known as "Nicky" and "Kolja," together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five

kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii)(II) and 846; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SIXTEEN
(Marijuana Distribution)

30. In or about and between June 2007 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ARTHUR DOZORTSEV, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing marijuana, a Schedule I controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SEVENTEEN
(Money Laundering Conspiracy)

31. In or about and between January 1997 and October 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICARDO MARIAN FANCHINI, also known as "Richard Rotmann," "Richard Fanchini," "Riccardo Rotmann," "Riccardo Fanchini," "Riccardo Kozina," "Richard Kozina," "Riccardo Wojoiechowska,"

"Jerzy Bank," "Jeazy Bank," "Ioannis Skandalis-Themistoklis," "Kozina Ryszaro," "Michael Prokupecz," "Aksamity," "Yura," "Warhol," "Rysiek," "Richard Ryjwinski," "Bank," "the Polack," "the Gypsy" and "Vasja," NIKOLAI DOZORTSEV, also known as "Nicky" and "Kolja," and ARTHUR DOZORTSEV, together with others, did knowingly and intentionally conspire to conduct financial transactions in and affecting interstate and foreign commerce, to wit: the transportation, transmission and transfer of funds to and through companies and bank accounts, which in fact involved the proceeds of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 21, United States Code, Sections 841(a)(1), 846, 848, 952(a), 959(a) and 963, health care fraud, in violation of Title 18, United States Code, Section 1347, trafficking in contraband cigarettes, in violation of Title 18, United States Code, Section 2342, and trafficking in counterfeit goods and services, in violation of Title 18, United States Code, Section 2320, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, (a) with the intent to promote the carrying on of the specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i), and (b) knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified

unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

COUNT EIGHTEEN
(Health Care Fraud)

32. In or about and between April 2003 and August 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant NIKOLAI DOZORTSEV, also known as "Nicky" and "Kolja," together with others, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud a health care benefit program, to wit: Medicaid, and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money and property owned by and under the custody and control of said health care benefit program in connection with the delivery of and payment for health care benefits and services.

(Title 18, United States Code, Sections 1347, 2 and 3551 et seq.)

COUNT NINETEEN
(Health Care Fraud)

33. In or about and between April 2003 and August 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ARTHUR DOZORTSEV, together with others, did knowingly and willfully

execute and attempt to execute a scheme and artifice to defraud a health care benefit program, to wit: Medicaid, and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money and property owned by and under the custody and control of said health care benefit program in connection with the delivery of and payment for health care benefits and services.

(Title 18, United States Code, Sections 1347, 2 and 3551 et seq.)

COUNT TWENTY
(Felon-In-Possession)

34. On or about October 13, 2007, within the Eastern District of New York, the defendant NIKOLAI DOZORTSEV, also known as "Nicky" and "Kolja," having previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce one or more firearms, to wit: a Browning .300 caliber "White Gold Medallion" rifle; a Marlin Slugmaster Model 512, 12 Gauge shotgun; a Franchi S.P.A., Brescia Model, 12 Gauge shotgun; and ammunition.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATIONS AS TO COUNT ONE
(Continuing Criminal Enterprise)

35. The United States hereby gives notice to the defendant charged in Count One that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses, to forfeit (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations; (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations; and (c) any interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise, including, but not limited to, the following:

Money Judgment

(a) a sum of money equal to \$300,000,000.00, the total amount of gross proceeds the defendants obtained as a result of the offense, for which the defendants are jointly and severally liable.

Specific Property

(b) all right, title and interest in the parcel or parcels of real property located in Newark, New Jersey, bounded on the north by Third Avenue East, on the east by Passaic Avenue,

on the south by Fourth Avenue East, and on the west by McCarter Highway (New Jersey Route 21);

(c) all right, title and interest in a Riva 63, Vertigo #12 yacht purchased (or on order) from Lengers Yachts B.V.;

(d) all right, title and interest in 100,000 shares of Edgetech International, Inc., registered to Arthur Dozortsen, represented by Certificate No. 5379, seized from the residence of Arthur Dozortsev;

(e) all right, title and interest in 75,000 shares of Sionix, registered to Arthur Dozortsev, represented by Certificate No. 5041, seized from the residence of Arthur Dozortsev;

(f) all right, title and interest in one 2.19 karat diamond seized from the residence of Nikolai Dozortsev;

(g) all right, title and interest in \$12,073.00 in United States currency seized from the residence of Nikolai Dozortsev;

(h) all right, title and interest in Account Numbers 726379613 and 2724993205 held in the name of Arthur Dozortsev at JP Morgan Chase;

(i) all right, title and interest in Account Number 114-042098 held in the name of Dozortsev and Sons Trading at JP Morgan Chase;

(j) all right, title and interest in Account Number 3014006369 held in the name of Dozortsev Realty, LLC at North Fork Bank;

(k) all right, title and interest in Condominium Unit 10B and parking space 19PK located at 2803 Ocean Parkway, Brooklyn, New York; and

(l) all right, title and interest in Condominium Unit 304 located at 444 West 19th Street, New York, New York.

36. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above-described forfeitable property.

(Title 21, United States Code, Section 853)

CRIMINAL FORFEITURE ALLEGATIONS AS TO COUNTS TWO THROUGH SIXTEEN
(Drug Importation, Distribution, and Conspiracy)

37. The United States hereby gives notice to the defendants charged in Counts Two through Sixteen that, upon their conviction of such offenses, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses, to forfeit (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations, including, but not limited to, the following:

Money Judgment

(a) a sum of money equal to \$300,000,000.00, the total amount of gross proceeds the defendants obtained as a result of the offense, for which the defendants are jointly and severally liable.

Specific Property

(b) all right, title and interest in the parcel or parcels of real property located in Newark, New Jersey, bounded on the north by Third Avenue East, on the east by Passaic Avenue, on the south by Fourth Avenue East, and on the west by McCarter Highway (New Jersey Route 21);

(c) all right, title and interest in a Riva 63, Vertigo #12 yacht purchased (or on order) from Lengers Yachts B.V.;

(d) all right, title and interest in 100,000 shares of Edgetech International, Inc., registered to Arthur Dozortsen, represented by Certificate No. 5379, seized from the residence of Arthur Dozortsev;

(e) all right, title and interest in 75,000 shares of Sionix, registered to Arthur Dozortsev, represented by Certificate No. 5041, seized from the residence of Arthur Dozortsev;

(f) all right, title and interest in one 2.19 karat diamond seized from the residence of Nikolai Dozortsev;

(g) all right, title and interest in \$12,073.00 in United States currency seized from the residence of Nikolai Dozortsev;

(h) all right, title and interest in Account Numbers 726379613 and 2724993205 held in the name of Arthur Dozortsev at JP Morgan Chase;

(i) all right, title and interest in Account Number 114-042098 held in the name of Dozortsev and Sons Trading at JP Morgan Chase;

(j) all right, title and interest in Account Number 3014006369 held in the name of Dozortsev Realty, LLC at North Fork Bank;

(k) all right, title and interest in Condominium Unit 10B and parking space 19PK located at 2803 Ocean Parkway, Brooklyn, New York; and

(l) all right, title and interest in Condominium Unit 304 located at 444 West 19th Street, New York, New York.

38. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendants up to the value of the above-described forfeitable property.

(Title 21, United States Code, Section 853)

CRIMINAL FORFEITURE ALLEGATION FOR COUNT SEVENTEEN
(Money Laundering Conspiracy)

39. The United States hereby gives notice to the defendants charged in Count Seventeen that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982, of all property involved in such offense of conviction in violation of Title 18, United States Code, Section 1956, or conspiracy to commit such offense, and all property traceable to such property, including but not limited to, the following:

Money Judgment

(a) a sum of money equal to \$300,000,000.00, the total amount of gross proceeds the defendants' obtained as a result of the offense, for which the defendants are jointly and severally liable.

Specific Property

(b) all right, title and interest in the parcel or parcels of real property located in Newark, New Jersey, bounded on the north by Third Avenue East, on the east by Passaic Avenue, on the south by Fourth Avenue East, and on the west by McCarter Highway (New Jersey Route 21);

(c) all right, title and interest in a Riva 63, Vertigo #12 yacht purchased (or on order) from Lengers Yachts B.V.;

(d) all right, title and interest in 100,000 shares of Edgetech International, Inc., registered to Arthur Dozortsen, represented by Certificate No. 5379, seized from the residence of Arthur Dozortsev;

(e) all right, title and interest in 75,000 shares of Sionix, registered to Arthur Dozortsev, represented by Certificate No. 5041, seized from the residence of Arthur Dozortsev;

(f) all right, title and interest in one 2.19 karat diamond seized from the residence of Nikolai Dozortsev;

(g) all right, title and interest in \$12,073.00 in United States currency seized from the residence of Nikolai Dozortsev;

(h) all right, title and interest in Account Numbers 726379613 and 2724993205 held in the name of Arthur Dozortsev at JP Morgan Chase;

(i) all right, title and interest in Account Number 114-042098 held in the name of Dozortsev and Sons Trading at JP Morgan Chase;

(j) all right, title and interest in Account Number 3014006369 held in the name of Dozortsev Realty, LLC at North Fork Bank;

(k) all right, title and interest in Condominium Unit 10B and parking space 19PK located at 2803 Ocean Parkway, Brooklyn, New York; and

(l) all right, title and interest in Condominium Unit 304 located at 444 West 19th Street, New York, New York.

40. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by reference into Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the above-described forfeitable property.

(Title 21, United States Code, Section 853, Title 18, United States Code, Section 982)

CRIMINAL FORFEITURE ALLEGATION FOR COUNTS EIGHTEEN AND NINETEEN
(Health Care Fraud)

41. The United States hereby gives notice to the defendants charged in Counts Eighteen and Nineteen that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(7), of all property real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense, including but not limited to, the following:

Money Judgment

(a) a sum of money equal to the total amount of gross proceeds the defendants obtained as a result of the offense, for which the defendants are jointly and severally liable.

42. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by reference into Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the above-described forfeitable property.

(Title 21, United States Code, Section 853, Title 18, United States Code, Section 982)

CRIMINAL FORFEITURE ALLEGATION FOR COUNT TWENTY
(Felon-In-Possession)

43. The United States hereby gives notice to the defendant charged in Count Twenty that, upon his conviction of such offense, the government will seek forfeiture in accordance with 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), of all firearms and ammunition involved in the commission of the offense, including but not limited to a Browning .300 caliber "White Gold Medallion" rifle; a Marlin Slugmaster Model 512, 12 Gauge

shotgun; a Franchi S.P.A., Brescia Model, 12 Gauge shotgun; and ammunition.


(Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c))

A TRUE BILL

[redacted]

FOREPERSON

BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. § 136

NO. _____

UNITED STATES DISTRICT COURT

EASTERN District of **NEW YORK**

THE UNITED STATES OF AMERICA

VS.

RICARDO MARIAN FANCHINI, a/k/a "Richard Rotmann,"
"Richard Fanchini," "Riccardo Rotmann," "Riccardo
Fanchini," "Riccardo Kozina," "Richard Kozina,"
"Riccardo Wojciechowska," "Jerry Bank," "Jeazy
Bank," "Ioannis Skandalis-Themistoklis,"
"Kozina Ryszaro," "Michael Prokupcz," "Aksamity,"
"Yura," "Warhol," "Rysiek," "Richard Ryjwinski,"
"Bank," "the Polack," "the Gypsy" and "Vasja,"
NIKOLAI DOZORTSEV, a/k/a "Nicky" and "Kolja,"
and ARTHUR DOZORTSEV,

Defendants.

SUPERSEDING INDICTMENT

Cr. No. 07-736(S-3)(CPS)
(T.21, U.S.C., §§ 841(a)(1), 841(b)(1)(A)(ii)(II),
841(b)(1)(C), 841(b)(1)(D), 846, 848(a), 848(C), 853
853, 952(a)959(a), 959(c), 960(a)(1), 960(a)(3),
960(b)(1)(B)(ii), 960(b)(3) and 963; T. 18, U.S.C.,
§§ 2, 922(g)(1), 924(a)(2), 924(d), 982, 1347,
1956(h) and 3551 et seq.; T. 18, U.S.C., § 2461(C))

A true bill

Foreman

Filed in open court this _____ day.

Of _____ A.D. 19 _____

Clerk

Bail, \$ _____

STEVE TISCIONE, AUSA 718-254-6317

INFORMATION SHEET

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

1. Title of Case: **United States v. Ricardo Marian Fanchini et al.**

2. Related Magistrate Docket Number(s): M-07-1123

None ()

3. Arrest Date: **Fanchini (10-03-07); Nikolai Dozortsev (10-13-07);
Arthur Dozortsev (10-14-07)**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

4. Nature of offense(s): ☒ Felony
☐ Misdemeanor

★ **AUG 14 2008** ★

BROOKLYN OFFICE

5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the
Local E.D.N.Y. Division of Business Rules):
United States v. Dozortsev et al., 08 CR 044 (CPS)

6. Projected Length of Trial: Less than 6 weeks ()
More than 6 weeks (X)

7. County in which crime was allegedly committed: Brooklyn and Queens
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)

8. Has this indictment/information been ordered sealed? () Yes (X) No

9. Have arrest warrants been ordered? () Yes (X) No

**BENTON J. CAMPBELL
UNITED STATES ATTORNEY**

By: 

**Steven Tiscione
Assistant U.S. Attorney
718-254-6317**